



Paper No. 18

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COPY MAILED**AUG 2 2001****OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Brennen et al.
Application No. 09/233,694
Filed: January 19, 1999
Attorney Docket No. 5000-0016

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 2001, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file an Appeal Brief which complied with 37 CFR 1.192(c). A Notification of Non-Compliance with 37 CFR 1.192(c) was mailed on April 20, 2001. The Notification of Non-Compliance set a one (1) month period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 21, 2001. A Notice of Abandonment was mailed on June 28, 2001.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The requirements to revive a petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the present petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent and change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

S. McLaughlin for.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
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